

VZCZCXYZ0008
PP RUEHWEB

DE RUEHUB #0952/01 3591342
ZNR UUUUU ZZH
P 241342Z DEC 08
FM USINT HAVANA
TO SECSTATE WASHDC PRIORITY 3975

UNCLAS HAVANA 000952

SIPDIS

INL FOR JOHN LYLE, WHA/CCA FOR RICARDO ZUNIGA

E.O. 12958: N/A
TAGS: [CU](#) [SNAR](#)
SUBJECT: 2008 CUBA INCSR FIRST DRAFT

REF: STATE 100970

I. Summary

11. Cuba is strategically located in the Caribbean between the United States and the drug producing countries of South America. Although Cuba is neither a significant consumer nor a producer of illegal drugs, its ports, territorial waters, and airspace are susceptible to narcotics trafficking from source and transit countries. In 2008, the GOC continued "Operation Hatchet," a multi-force counternarcotics interdiction operation, and "Operation Popular Shield," a nationwide counternarcotics public awareness campaign. Cuba also carried out some operations in coordination with the U.S. Coast Guard (USCG) Drug Interdiction Specialist (DIS) at the U.S. Interests Section (USINT) in Havana. Cuba is a party to the 1988 UN Drug Convention.

II. Status of Country

12. The GOC regularly detects and monitors suspect vessels and aircraft in its territorial waters and airspace. In cases likely to involve narcotics trafficking, it regularly provides detection information to the USCG. In addition to dedicating social service resources to improve prevention, the GOC also has the legal framework within its criminal justice system to prosecute and assign stiff penalties to narcotic users and traffickers. Cuban anti-narcotic officials claim that these stiff penalties are the driving force behind a low drug abuse rate in the country.

13. According to Cuban statistics, Cuba's internal drug consumption levels are among the lowest in the region. Lack of discretionary income and an overwhelming state police presence limit access to drugs by the Cuban population and contribute to the low incidence of drug consumption. To elude capture near Cuban territorial waters, international drug traffickers throw contraband from speedboats, providing the main source of supply to the local market. The GOC is active in regional drug control advocacy, wherein the GOC has established an auxiliary force by training and educating the "pueblo," or the Cuban community. All Cubans are responsible for responding appropriately to the discovery of actual or suspected narcotics that wash-up on their shores. The GOC claims to have trained employees at sea-side resorts and associated businesses, including fishermen, in narcotics recognition and how to communicate the presence of illicit narcotics to the appropriate Cuban Border Guard (CBG) personnel or post. This approach serves as a force-multiplier for the GOC as its interdiction capability is limited by a lack of resources necessary to upgrade its counternarcotic assets and technical equipment.

14. The USG has not been assured by the GOC that effective rules of engagement are in place to prevent the inappropriate use of deadly force during counternarcotics trafficking operations. In May 2007, the leading Cuban Communist newspaper, Granma, declared that Cuba's territorial waters would never be a safe corridor for traffickers. This

statement came after a Cuban Border Guard patrol boat shot and killed two Bahamian drug traffickers. The GOC claims the drug smugglers rammed their vessel and the traffickers were killed in self-defense during an exchange of gunfire.

III. Country Actions Against Drugs in 2008

¶5. Policy Initiatives. The Cuban government reported that it had strengthened its cooperation with INTERPOL in 2008 with whom they maintain a working relationship on drug cases in Cuba and investigations into suspected international drug trafficking rings. In 2008, Cuba turned over 1 fugitive to INTERPOL who was involved in illicit narcotic activity. Cuban DNA personnel attended 4 interdiction and inspection counternarcotic training courses offered by international partners.

¶6. Accomplishments. In all, between January and September 2008, the GOC seized 1,723.5 kilograms of narcotics (1,675.7 kilograms of marijuana and 46.8 kilograms of cocaine), and trace amounts of crack, hashish, and other forms of psychotropic substances. In comparison, in 2007, 2,644.9 kilograms were seized by the GOC as a result of its various interdiction efforts.

¶7. In April, Cuban authorities assisted Jamaican anti-drug personnel with the disruption of a marijuana trafficking case by providing real-time information, resulting in the detention of the traffickers, and the confiscation of a trafficking aircraft that contained a load of marijuana. In July, information provided by the CBG operations center in Havana led USCG assets to a drug-laden go-fast in the Windward Pass. Upon realizing the USCG had discovered their vessel, the traffickers discarded their contraband into the sea which led to the wash-up of 172 packets of marijuana along the coasts of 4 Cuban provinces, totaling 916.49 kilograms. Further, Cuban DNA investigated the entrance into Cuban territorial seas of a group of Dominican fishing vessels, which led to an investigation of the vessels and their operators who were suspected of illicit, narcotics-related activity.

¶8. From January through September 2008, 250 packets of narcotics washed-up along the Cuban coast, resulting in the collection of 1,682 kilograms (1,651 kilograms of marijuana and 31 kilograms of cocaine). During 2008, the principal source of drugs for the Cuban internal drug market continued to be drug wash-ups; washed-up narcotics are aggressively collected and stored for eventual incineration to avoid proliferation and sale on the internal market.

¶9. In 2008, according to the GOC, Cuba's airports were used only sporadically to transfer drugs towards third countries or to supply the Cuban domestic market. GOC reports that international drug traffickers have recently shown interest in trafficking various narcotics to Cuba for sale with domestic criminals. GOC believes this is due to the high market price for narcotics in Cuba compared to the relatively low prices found in other countries in the region. At Jose Marti International Airport in Havana, 6 drug smuggling attempts were thwarted by Cuban authorities, wherein 15.4 kilograms of cocaine and 1.3 kilograms of marijuana were seized. Three of these events were attempts to introduce the narcotics into the domestic market, and two incidents involved couriers or "mules" who were trafficking narcotics for delivery to Europe. The final case was the discovery of 6 kilograms of cocaine on an aircraft destined for an undisclosed third country.

¶10. In all, 163 travelers were detained for possession of small quantities of narcotics, believed to be for personal use. Reflecting past actions, the GOC fines those tourists and the narcotics are seized. Individuals are warned about Cuban's regulations that prohibit the trafficking and possession of narcotics, and allowed to continue with their trips.

¶11. Cuba's "Operation Popular Shield," in place since 2003,

is intended to minimize the availability of drugs on the domestic market. Cuba detains, tries, and punishes individuals who are in possession of and who intend to distribute narcotics, as well as seizes their assets. The GOC asserts that they have in place the necessary legal instruments to properly carry out this operation, both penal and administrative. Per the GOC, their actions are in-line with international commitments as a state party to control and fight against illicit drug trafficking.

¶12. GOC claims that the price of narcotics in Cuba remains high. Per Cuban information, 1 ounce of marijuana cultivated in the Cuban countryside is sold at 130 Cuban Convertible Pesos (CUC), and a marijuana cigarette is priced at 3 CUCs. An ounce of marijuana from abroad is sold at approximately 330 CUCs and a cigarette costs around 5 CUCs.

¶13. Cocaine, crack and small amounts of hashish, trafficked to Cuba from abroad, are limited to the capital city of Havana in small doses, most of which are sold below the quantity of 1 gram in the case of cocaine. Cocaine is sold for prices ranging from 60-120 CUCs. Other drugs, per the GOC, are not sold in Cuba, to include synthetic drugs, amphetamine stimulants, and opium.

¶14. Law Enforcement Efforts. The GOC's lead investigative agency on drugs is the Ministry of Interior's National Anti-Drug Directorate (DNA). The DNA is comprised of criminal law enforcement, intelligence, and justice officials. Cuban Customs Authorities maintain an active counternarcotics inspection program in each of Cuba's international maritime shipping ports and airports.

¶15. Cuba's "Operation Hatchet," in its eighth year, is intended to disrupt maritime and air trafficking routes, recover washed-up narcotics, and deny drug smugglers shelter within the territory and waters of Cuba through vessel, aircraft, and radar surveillance from the Ministry of Interior's Border Guard and Ministry of Revolutionary Armed Forces (Navy and Air Force). Operation Hatchet relies on shore-based patrols, visual and radar observation posts and the civilian fishing auxiliary force to report suspected contacts and contraband. Between January and September 2008, Cuban law enforcement authorities reported "real time" sighting of 35 go-fast vessels and 3 suspect aircraft transiting their airspace or territorial waters.

¶16. Corruption. As a matter of policy, the GOC does not encourage or facilitate the illicit production or distribution of narcotic or psychotropic drugs or other controlled substances, or the laundering of proceeds from illegal drug transactions. The U.S. Government does not have direct evidence of current narcotics-related corruption among senior GOC officials. No mention of GOC complicity in narcotics trafficking or narcotics-related corruption was made in the media in 2008. It should be noted, however, that the media in Cuba is completely controlled by the state, which permits only laudatory press coverage of itself. Crime is almost never reported.

¶17. Agreements and Treaties. Cuba is a party to the 1961 UN Single Convention as amended by the 1972 Protocol, the 1971 UN Convention on Psychotropic Substances, and the 1988 UN Drug Convention. The GOC cooperates with the United Nations Office for Drug Control and Crime Prevention and maintains bilateral narcotics agreements with 32 countries and less formal memoranda of agreement with 2 others. Cuba has also subscribed to 56 bilateral judicial assistance conventions. Finally, the Cuban Ministry of Interior maintains operational exchanges with anti-drug authorities from approximately 57 countries.

¶18. Cuba was represented at the 51st session of the Commission on Narcotics at the United Nations in Vienna; the second regional summit regarding the global problem of drugs in Colombia; the eighteenth meeting of the Heads of National Law Enforcement Agencies (HONLEA) in Honduras; and in two meetings of the working group for the exchange of narcotics intelligence among the European Union, Latin America, and the

Caribbean. Havana will be the site of the next meeting in May 2009. The Cuban government continues to pass real-time information to agencies with similar concerns regarding the involvement or suspicion of the movement of narcotics via air or sea, including incidents of suspect merchant ships, crews, or cargo.

¶19. Cultivation/Production. As in past years, GOC reports that the availability of marijuana and the consumption of psychotropic drugs is on the downslide due to joint-DNA and Ministry of Public Health's initiatives. In 2008, such efforts yielded the seizure of 23.8 kilograms of narcotics as a result of illicit, domestic drug activity. The production and harvest of marijuana is also down, and incidents of marijuana harvests are considered "isolated" by the GOC. Cuba is not a source of precursor chemicals, nor have there been any incidents involving precursor chemicals in 2008.

¶20. Drug Flow/Transit. Cuba's 4,000 small keys and its 3,500 nautical miles of shoreline provide drug traffickers with the locale to conduct clandestine smuggling operations. Traffickers use high-speed boats to bring drugs northward from Jamaica to the Bahamas, Haiti, and to the U.S. around the Windward Passage or via small aircraft from clandestine airfields in Jamaica. Commercial vessels and containerized cargo that are loaded with drugs pose an increasing risk to Cuban ports. Mules continued to traffic small quantities of narcotics to and from Europe through Cuba's international airport in Havana. As Cuba continues to develop its tourism industry, the likelihood for an increased flow of narcotics into the country will rise.

¶21. Domestic Programs. The governing body for prevention, rehabilitation, and policy issues is the National Drug Commission (CND). This interagency coordinating body is headed by the Minister of Justice, and includes the Ministries of Interior, Foreign Relations, Public Health, and Public Education. Also represented on the commission are the Attorney General's Office and the National Sports Institute. There is a counternarcotics action plan that encompasses the Ministries of Health, Justice, Education, and Interior, among others. In coordination with the United Nations, the CND aims to implement a longer-term domestic prevention strategy that is included as part of the educational curriculum at all grade levels.

¶22. The majority of municipalities on the island have counternarcotics organizations. Prevention programs focus on education and outreach to groups most at risk of being introduced to illegal drug use. The GOC reports that there are 3 international drug dependency treatment centers and 198 community health facilities in Cuba consisting of family doctors, psychiatrists, psychologists, occupational therapists, and 150 social, educational, and cultural programs dedicated to teaching drug prevention and offering rehabilitation programs.

IV. U.S. Policy Initiatives

¶23. Bilateral Cooperation. The U.S. has no counternarcotics agreements with Cuba and does not fund any GOC counternarcotics law enforcement initiatives. In the absence of normal bilateral relations, the USCG DIS officer assigned at the USINT Havana acts as the main conduit of anti-narcotics cooperation with the host country on a case-by-case basis. Cuban authorities have provided DIS exposure to Cuban counternarcotics efforts, including providing investigative criminal information, such as the names of suspects and vessels; debriefings on drug trafficking cases; visits to the Cuban national canine training center and anti-doping laboratory in Havana; tours of CBG facilities; and access to meet with the Chiefs of Havana's INTERPOL and Customs offices.

¶24. Road Ahead. U.S. counternarcotics efforts in Cuba face a number of obstacles. The current Cuban regime's long history of anti-Americanism in rhetoric and action has limited the scope for joint activity and made bilateral

dealings always subject to political imperatives. Cuba's Drug Czar has raised the idea of greater counternarcotics cooperation with the USG. Commander-in-Chief Raul Castro has called for a bilateral agreement on narcotics, migration, and terrorism. However, these approaches have not been offered with forthright or actionable proposals as to what the USG should expect from future Cuban cooperation. The USG continues to encourage Cuba's full participation in regional interdiction efforts.

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